

REMARKS

Responsive to the office action mailed 27 January 2006, Applicant respectfully traverses the rejections of claims 21-39 on grounds of non-analogous art fields. All statements herein should not be construed as stating that any art mentioned is acknowledged as prior art by the applicant.

According to MPEP 2141.01(a), "to rely on a reference under 35 U.S.C. 103, it must be analogous prior art." Applicant asserts that Naumann (5,353,453), O'Sullivan (5,572,757), and Boyer (6,088,856) in particular are not analogous prior art, nor are they pertinent to the problem being addressed. (See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).)

To illustrate, Naumann is directed to enhancing the tanning capabilities of beach towels. O'Sullivan is directed to producing improved body support pillows for back problems. Boyer is directed to providing a combination fluid dispenser and head support. Nothing in the relevant art would teach to use these fields of prior art in addressing the problem the applicant identifies - keeping children's car seats within a safe temperature range while they are unoccupied. Even the primary references cited by the examiner, namely the references of Greer and Walker, are directed to lawn chairs rather than child car seats.

Applicant states, therefore, that the rejections under 35 U.S.C. 103(a) are based on non-analogous art, and asserts that claims 21-39 should stand allowed. Specifically, Applicant asserts that the Examiner is using hindsight to assemble largely unrelated references into the claimed invention of the Applicant. Applicant asserts that such an examination strategy is inappropriate and substantially diminishes the motivation to seek patent protection and provide improved products to the marketplace. Applicant therefore requests that the Examiner re-evaluate the obviousness rejection of the claims of the Applicant.

Respectfully submitted,

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